

**REMARKS**

Claims 1-12 are pending in this application, of which claim 1 has been amended. No new claims have been added.

Claims 1-12 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Page 2 of the outstanding Office Action.

Claim 1 has been amended to clarify the subject matter which the applicant regards as their invention. The amendment is supported by e.g., page 16, lines 1-14, and page 18, lines 5-25.

The Examiner states that the claim is vague and indefinite since it is not known just what is “stacked.” The Examiner also states that from the present claim description, it is not clear just what the stacks comprise and how they generate acoustical energy. The Examiner further states that one of ordinary skill in the art would not know how to make and use the same, given the present claim description.

In response, 35 U.S.C. §112, second paragraph requires the claim to distinctly claim the subject matter which the applicant regards as his invention. Applicant believes that amended claims distinctly claim the subject matter which applicant regards as the invention. The

Examiner is also reminded that 35 U.S.C. §112, first paragraph requires the specification, not the claims, to satisfy the requirements of written description, enablement and best mode. The specification describes the claimed invention to satisfy the requirements of 35 U.S.C. §112, first paragraph at e.g., pages 11 to 28 of the original specification. In view of the above, reconsideration of the rejection is respectfully requested.

Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date. If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number indicated below to arrange for an interview to expedite the disposition of this case. If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

/SHUJI YOSHIZAKI/  
Shuji Yoshizaki  
Patent Agent  
Registration No. 62,785  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

SY/mt